



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,235	08/10/2001	Robert C. Phillips	209009	7980
23460	7590	10/18/2004		
LEYDIG VOIT & MAYER, LTD TWO PRUDENTIAL PLAZA, SUITE 4900 180 NORTH STETSON AVENUE CHICAGO, IL 60601-6780			EXAMINER HOLLAR, ANDREA B	
			ART UNIT	PAPER NUMBER
			2142	

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/928,235

Applicant(s)

PHILLIPS ET AL.

Examiner

Andrea B. Hollar

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: number 91. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "760" has been used to designate both "capbuf.abort()" and "get PktBasePtr" in Figure 12. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified

Art Unit: 2142

and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Figure 3, number 140; Figure 6, number 310; and Figure 12, number 758. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The disclosure is objected to because of the following informalities:

On page 16, line 3, number 24 is referred to as "server controller." In Figure 1, number 24 is referred to as "network controller." Please clarify this reference by using matching reference names for number 24.

Page 19 is blank. Please clarify if this page was left blank intentionally. As is, it is unclear whether there is missing material that was intended to be on this page.

Number 91 mentioned on page 23, line 20 is not shown in the drawings. Please amend the specification to clarify what number 91 represents.

Figure 11 has no reference numbers and none are used in the specification to describe the drawing. It is suggested that applicant clarify the discussion of Figure 11 by adding reference numbers to the specification and the corresponding items in the drawing.

Appropriate correction is required.

Claim 1 is objected to because of the following informalities:

On line 9, "supplemental processor" lacks antecedence. It is unclear as to whether "supplemental processor" is referring to "supplemental processor node" or a separate structure.

On line 18, "external network" lacks antecedence. It is unclear whether "external network" refers to "external network access node," "external network interface," or a separate structure.

On line 23, "data storage device" lacks antecedence. It is unclear whether "data storage device" refers to "storage drives," "data storage node," or a separate structure.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 recites the limitation "external network interface" in line 14. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "external data access node" in lines 14-15. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by DuLac.

With respect to claim 1, DuLac discloses a network server system for efficiently processing requests for information assets stored upon a set of storage drives, wherein the requests are received via a communicatively coupled network link, the server system comprising:

an internal network communicatively coupling nodes within the network data server system (Fig. 3, number 110; Fig. 4, numbers 150, 160);

a supplemental processor node communicatively coupled to the internal network and comprising a general purpose processor and operating system, and wherein the supplemental processor supports executing application programs (Fig. 3, number 104; col. 4, lines 24-25);

a data storage node (Fig. 4, numbers 154, 162) communicatively coupled to the internal network, the data storage node comprising storage media (Fig. 4, number 162) and conversion circuitry for packaging retrieved data from the storage media to a format for transmission over the internal network (col. 5, lines 55-58); and

an external network access node (Fig. 4, number 158) supporting network connections between the network server system and client nodes via an external network (Fig. 2, number 56), the external network interface comprising:

- an external network interface comprising an external network interface engine for executing data transfers between the external network access node and the external network (col. 5, line 45),

- an internal network interface comprising an internal network interface engine for executing data transfers between the external network access node and the internal network (col. 5, line 45), and

- one or more event engines for executing information asset transfers between the data storage device and the external network in accordance with contexts, maintained by the external network access node (col. 6, lines 16-17), describing a present state of executing information asset transfers performed by the one or more event engines (col. 7, lines 19-23).

With respect to claim 2, DuLac discloses a method for processing requests for information assets stored upon a set of data storage drives by a network server system, wherein the requests are received via a communicatively coupled external network link, the method comprising the steps of:

- receiving, by an external network access node (union of Fig. 4, numbers 152, 156, 158) via the external network link (Fig. 2, number 56), a request for an information asset (col. 6, lines 40-44 and 48-49);

creating, by the external network access node, a context for the request wherein the context includes a buffer identification and a processing engine on the external network access node assigned to execute the request (col. 8, lines 14-17);

submitting, by the external network access node, a request for data from a storage node (Fig. 4, number 162) connected to the external network access node by an internal network (Fig. 4, number 160; col. 8, lines 20-22); and

receiving, by the external network access node from the storage node, data corresponding to the request for data from the storage node (col. 8, lines 23-25), and storing the received data within memory on the external network access node corresponding to the buffer identification (col. 8, lines 25-26), wherein data transferred from the storage node to the receiving external network node bypasses application memory space (Fig. 3, number 106) on a general processor node (Fig. 3, number 104); and

transmitting, by the external network access node, the data stored within memory corresponding to the buffer identification, over the external network link (col. 8, lines 35-37).

With respect to claim 3, DuLac discloses a network server system for efficiently processing requests for information assets stored upon a set of storage drives, wherein the requests are received via a communicatively coupled network link, the server system comprising:

a supplemental processor node (Fig. 3, number 104);

a network interface node (Fig. 3, number 112) comprising:



a network interface (Fig. 4, number 158) communicatively coupled to the network link (Fig. 2, number 56; col. 6, lines 11-12) and configured to receive requests from clients via the network link (col. 6, lines 23-25);

delegation logic facilitating: associating a request type with at least a portion of a request, identifying a handler from a set of processing elements for executing at least the portion of the request based upon the request type, and creating a data structure linking at least the portion of the new request to the identified handler processor (Fig. 5); and

a data path (Fig. 4, number 160) from the set of storage drives (Fig. 4, number 162) to the network interface, the data path facilitating data transfers between the set of storage drives and the external data access node (union of Fig. 4, numbers 152,158) containing the set of processing elements (Fig. 4, number 152) that bypass the supplemental processor node.

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea B. Hollar whose telephone number is n/a. The examiner can normally be reached 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on (703) 305-9705. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2142

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ABH

  
JACK B. HARVEY  
SUPERVISORY PATENT EXAMINER